

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

P.S., individually,

Plaintiff,

v.

ADNA SCHOOL DISTRICT, a public
corporation, WILLIAM VEATCH, individually,
SHANDA VEATCH, individually, CRISTINA
PARKS, individually, and JOHN/JANE DOES
1-7, individually

Defendants.

NO. 3:23-cv-06026-BHS

**ORDER SETTING CR 35 EXAM AND
RELATED CONDITIONS**

Pursuant to Civil Rule 35, and by agreement and stipulation of the parties, it is hereby
ordered that a psychological examination of Plaintiff P.S. may be conducted as follows,
subject to the following terms and conditions:

Date & Time: September 24, 2024, 9 a.m.

Place: Connelly Law Offices, 2301 N. 30th Street, Tacoma, WA

Manner: Psychological examination by licensed psychologist.

Examiner: Evan B. Freedman, PhD, ABPP

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Conditions: A neutral observer designated by Plaintiff's counsel may be present and shall be permitted to observe and audio record all portions of the examination and interview. This will be the only examination conducted pursuant to CR 35. Plaintiff will not be required to fill out any forms or paperwork (other than the tests set forth below, as well as a consent form that Plaintiff's counsel shall have the opportunity to review and object to, if necessary) prior to or during the exam.

Scope: Interview that is limited to non-leading, non-argumentative questions that shall not include questions regarding negligence or liability. The following tests may be administered: the Minnesota Multiphasic Personality Inventory, Personality Assessment Inventory, Detailed Assessment of Posttraumatic Stress, Test of Memory Malingering, Trauma Symptom Inventory-2, Structured Inventory of Malingered Symptomatology, Lancaster and Northgate Trauma Scales, PTSD and Suicide Screener, Morel Emotional Numbing Test for Posttraumatic Stress, Impact of Event Scales, Wide Range Achievement Test (Fifth Edition), Weschler Abbreviated Scale of Intelligence, Brown Executive Function/Attention Scales, and Repeatable Battery for the Assessment of Neuropsychological Status Update. Tests not listed herein shall not be administered. The examination will be limited to six hours not including a lunch break and other breaks on Plaintiff's request.

Report: Plaintiff hereby requests, and Defendant shall produce, a signed, typewritten report setting forth in detail the examiner's findings, including diagnoses, conclusions, and the results of any tests. The reports shall be delivered to Plaintiff's counsel no later than the current FRCP 26(a)(2) deadline of October 21, 2024.

Deposition: Defendant will make examiner available for deposition at a mutually agreed upon date and time. If Plaintiff's counsel takes the deposition of examiner, examiner will charge no more than \$500 per hour for the time actually taken for the deposition, as reported by the court reporter. Plaintiff shall not be charged for records review or any other deposition preparation by examiner.

Rebuttal: Plaintiff shall have an opportunity to disclose one or more additional witnesses, or additional expert testimony from existing witnesses, so as to rebut any opinions of the CR 35

examiner that were not disclosed at or before the examiner's deposition.

Agreement: Defense counsel shall advise examiner of the above conditions for the examination, and make sure examiner agrees to all conditions of this stipulated Court order.

Testimony: The parties stipulate that the examiner shall not be permitted to testify at trial if examiner's report and deposition are not supplied in compliance with the terms of this order. Following deposition, the examiner's testimony cannot be withheld at trial. This is a stipulated agreement by the parties, enforceable under CR 29; it is not a Court-imposed sanction.

IT IS SO ORDERED.

DATED this 2nd day of August, 2024.



BENJAMIN H. SETTLE
United States District Judge

<p>Presented by:</p> <p>Connelly Law Offices, PLLC</p> <p>By: _____</p> <p>Marta L. O'Brien, WSBA No. 46416 Evan T. Fuller, WSBA No. 48024 2301 North 30th Street Tacoma, WA 98403 Phone: (253) 593-5100 Fax: (253) 593-0380 E-mail: mobrien@connelly-law.com E-mail: efuller@connelly-law.com Attorneys for Plaintiff</p>	<p>Approved as to Content and Form:</p> <p>Evans, Craven & Lackie, P.S.</p> <p>By: _____</p> <p>Michael E. McFarland, Jr., #23000 Sean E. Harkins, #51113 818 W. Riverside, Suite 250 Spokane, WA 99201 Phone: (509) 455-5200 Fax: (509) 455-3632 E-mail: mmcfarland@ecl-law.com E-mail: SHarkins@ecl-law.com Attorneys for Defendants Adna School District and Cristina Parks</p>
<p>Approved as to Content and Form:</p> <p>Floyd, Pflueger, Kearns, Nedderman & Gress, P.S.</p> <p>By: _____</p> <p>Francis S. Floyd, WSBA No. 10642 Danielle P. Smith, WSBA No. 49165 3101 Western Ave., Suite 400 Seattle, WA 98121 Phone: (206) 441-4455 Fax: (206) 441-8484 E-mail: ffloyd@nwtrialattorneys.com E-mail: dsmith@nwtrialattorneys.com Attorney for Defendants William Veatch and Shanda Veatch</p>	